

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARCEL FASHIONS GROUP, INC.,

Plaintiff,

-v-

No. 11 CV 5523-LTS-RWL

LUCKY BRAND DUNGAREES, INC., et al.,

Defendants.

-----X

ORDER

The Court has received and reviewed Plaintiff's status letter, dated October 5, 2020 (Docket Entry No. 211), filed in response to the Court's Order dated July 7, 2020 (Docket Entry No. 210), which stayed the case in light of the bankruptcy filings of certain Defendants and directed Plaintiff to file a status report on a biannual basis, beginning September 30, 2020, "as to whether the case should be continued stayed, restored to the calendar in whole (upon a grant of relief from the automatic stay or termination of the bankruptcy proceedings) or in part, or dismissed." Plaintiff's letter dated October 5, 2020, reports: "Currently, the case is still in bankruptcy court and I believe a stay is still in effect. I have not been retained in the bankruptcy proceedings and thus, have no knowledge of the status of the case. For more information regarding the status of the Bankruptcy matter, I recommend contacting the Defendant's Counsel directly."

Plaintiff is directed to provide the Court timely, accurate status reports as a condition to the maintenance of this action open on the records of this Court during the period of the stay. Failing the provision of such reports, Plaintiff is advised that the Court intends to reinstate the judgment entered on January 27, 2017 (Docket Entry No. 176, previously vacated

by Docket Entry No. 183), and close the case in light of the Supreme Court's decision in Marcel Fashions Group, Inc. v. Lucky Brands Dungarees, Inc., 140 S. Ct. 1589 (2020), and the Second Circuit's Mandate. (Docket Entry No. 205.)

SO ORDERED.

Dated: New York, New York
October 7, 2020

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
United States District Judge